

represent the public interest opposed to the allowance of any unjust or unfounded claim or portion thereof; and either may cross-examine as to evidence offered through witnesses on behalf of the other. Objections to the admission of any such evidence will be ruled upon by the presiding officer.

(d) The hearings will be conducted as non-adversarial proceedings. However, the claimant will be the moving party, and will have the burden of proof on all issues involved in the determination of his or her claim.

(e) Hearings may be stenographically reported or electronically recorded, either at the request of the claimant or upon the discretion of the Commission. A claimant making such a request must notify the Commission at least ten (10) days prior to the hearing date. When a stenographic record or transcript of a hearing is ordered at the claimant's request, the cost of the reporting and transcription will be charged to the claimant.

(f) The following rules of procedure will apply in the conduct of hearings held by the Commission for presentation of objections to Proposed Decisions:

*(1) Presentation of Objections to Proposed Decisions*

(i) Objections should focus either on the presentation of new evidence, or on the presentation of arguments demonstrating that, in the claimant's view, the Commission erred in considering the evidence previously submitted. Restatements of facts, evidence or materials already established in the record should be avoided.

(ii) The Chief Counsel of the Commission or designated staff attorney will first introduce the objecting claimant and any witnesses to the Commission, and will then present a brief summary of the case, together with reasons supporting the decision as issued.

(iii) The objecting claimant and all witnesses will be sworn.

(iv) The objecting claimant, or the claimant's attorney, will then present the claimant's objections to the Commission, specifically setting forth the basis for the claimant's disagreement with the Proposed Decision, and the reasons supporting the claimant's contention that a more favorable decision should be rendered. Claimants will normally be limited to fifteen (15) minutes for their presentation of objections, but may request additional time if needed.

(v) Following presentation of the claimant's objection, the Chief Counsel or designated staff attorney will be

allotted an equivalent amount of time to question the claimant and the claimant's witnesses with respect to the testimony and other evidence presented in support of the objection.

(vi) The objecting claimant or the claimant's attorney, and the Chief Counsel or designated staff attorney, will then be allotted up to five (5) minutes each for follow-up or rebuttal.

(vii) The Chair and Commissioners may direct questions to the objecting claimant and the claimant's attorney, and to the Chief Counsel or designated staff attorney, at any time during the proceedings described in the foregoing.

(viii) The foregoing provisions may be modified at the discretion of the Chair as circumstances may require.

(ix) At the conclusion, the Chair will inform the participants that the Commission will take the matter under advisement, and that a written Final Decision disposing of the objection will issue in due course.

*(2) Submission to Questioning/Conduct of Proceedings*

(i) Presentation of the claimant's objection by the objecting claimant or the claimant's attorney, and of follow-up and rebuttal by the claimant or the claimant's attorney and by the Chief Counsel or designated staff attorney, must be directed to the Commission. Verbal exchanges between the objecting claimant or the claimant's attorney, and the Chief Counsel or designated staff attorney, will be limited to questions and answers during the questioning phase of the proceeding described in paragraph (f)(1)(v) of this section, unless otherwise necessary for clarification or exchange of documents.

(ii) Professional conduct and courtesies of the kind normally accorded in appellate judicial proceedings must be observed in all appearances and proceedings before the Commission.

**§ 509.7 Presettlement conference.**

The Commission on its own motion or initiative, or upon the application of a claimant for good cause shown, may direct that a presettlement conference be held with respect to any issue involved in a claim.

**John R. Lacey,**  
*Chairman.*

[FR Doc. 01-24399 Filed 9-28-01; 8:45 am]

**BILLING CODE 4410-BA-P**

## DEPARTMENT OF DEFENSE

### 48 CFR Parts 202, 204, 211, 212, 219, 236, 237, 242, 245, 252, and Appendices F and G to Chapter 2

#### Defense Federal Acquisition Regulation Supplement; Technical Amendments

**AGENCY:** Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement to delete obsolete text and update activity names and addresses, titles, reference numbers, and paragraph designations.

**EFFECTIVE DATE:** October 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** Ms. Michele Peterson, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0311; facsimile (703) 602-0350.

#### List of Subjects in 48 CFR Parts 202, 204, 211, 212, 219, 236, 237, 242, 245, and 252

Government procurement.

**Michele P. Peterson,**  
*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, 48 CFR Parts 202, 204, 211, 212, 219, 236, 237, 242, 245, 252, and Appendices F and G to Chapter 2 are amended as follows:

1. The authority citation for 48 CFR parts 202, 204, 211, 212, 219, 236, 237, 242, 252, and Appendices F and G to subchapter I continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

#### PART 202—DEFINITIONS OF WORDS AND TERMS

##### 202.101 [Amended]

2. Section 202.101 is amended in the definition of "Contracting activity" as follows:

a. Under the heading "AIR FORCE", by adding as the first entry, "Office of the Assistant Secretary of the Air Force (Acquisition)"; and

b. Under the heading "DEFENSE LOGISTICS AGENCY", in the first entry, by removing "Procurement Management, Defense Logistics Support Command" and adding it its place "Logistics Policy and Acquisition Management".

**PART 204—ADMINISTRATIVE MATTERS****204.7205 [Amended]**

3. Section 204.7205 is amended as follows:

- a. In paragraph (a) by adding, immediately before the period, the parenthetical “(transferor)”; and
- b. In paragraph (b) by revising the last parenthetical to read “(transferee)”.

**PART 211—DESCRIBING AGENCY NEEDS****211.504 [Redesignated as 211.503]**

4. Section 211.504 is redesignated as section 211.503.

**PART 212—ACQUISITION ON COMMERCIAL ITEMS****212.301 [Amended]**

5. Section 212.301 is amended in paragraph (f)(iii) by removing the parenthetical “(b)” and adding in its place “(a)”.

**PART 219—SMALL BUSINESS PROGRAMS****219.1005 [Amended]**

6. Section 219.1005 is amended as follows:

- a. By redesignating paragraphs (a)(3)(A), (a)(3)(A)(1) through (4), and (a)(3)(B) as paragraphs (a)(i), (a)(i)(A) through (D), and (a)(ii), respectively; and

- b. In newly designated paragraph (a)(ii) by removing “at FAR 19.1005(a)(3)” and adding in its place “in FAR subpart 19.10”.

**PART 236—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS**

7. Section 236.201 is amended by revising paragraphs (c)(1)(A)(1) and (c)(1)(B) to read as follows:

**236.201 Evaluation of contractor performance.**

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(A) \* \* \*

(1) Is operated by—U.S. Army Corps of Engineers, Portland District, ATTN: CENWP-CT-I, PO Box 2946, Portland, OR 97208-2946, Telephone: (503) 808-4590.

\* \* \* \* \*

(B) For computer access to the files, contact the Portland District for user log-on and procedures.

\* \* \* \* \*

**236.206 [Amended]**

8. Section 236.206 is amended by removing “212.204” and adding in its place “211.503”.

**236.274 [Amended]**

9. Section 236.274 is amended in paragraph (a) introductory text by adding, after “Pub. L. 105-45”, the phrase “and similar sections in subsequent military construction appropriations acts”.

**PART 237—SERVICE CONTRACTING**

10. Section 237.201 is amended by revising the section heading and the introductory text to read as follows:

**237.210 Definition.**

“Advisory and assistance services,” as used in this subpart, means services in the following three major categories when provided by nongovernmental sources (10 U.S.C. 2212):

\* \* \* \* \*

**PART 242—CONTRACT ADMINISTRATION AND AUDIT SERVICES****242.202 [Amended]**

11. Section 242.202 is amended in paragraph (e)(1)(A) in the first sentence, in the parenthetical, by removing “dcmc.hq.dla” and adding in its place “dcma”.

**242.302 [Amended]**

12. Section 242.302 is amended in paragraph (a)(13)(B)(1) in the last parenthetical by removing “dcmc.hq.dla” and adding in its place “dcma.”

**PART 245—GOVERNMENT PROPERTY****245.302-1 [Amended]**

13. Section 245.302-1 is amended in paragraph (a)(4)(C)(2) in the last sentence by removing “Fiscal Year 19\_\_,” and adding in its place “FY\_\_”; and by removing “which” and adding in its place “that”.

**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

14. Section 252.211-7005 is amended by revising the clause date and the last sentence of paragraph (b) to read as follows:

**252.211-7005 Substitutions for Military or Federal Specifications and Standards.**

\* \* \* \* \*

Substitutions for Military or Federal Specifications and Standards (OCT 2001)

\* \* \* \* \*

(b) \* \* \* A listing of SPI processes accepted at specific facilities is available via the Internet in Excel format at <http://www.dcmamail.com/onebook/0.0/0.2/reports/modified/xls>.

\* \* \* \* \*

**252.227-7005 [Amended]**

15. Section 252.227-7005 is amended as follows:

- a. After the title “LICENSE TERM” by removing “(AUG 1984)” and adding in its place “(OCT 2001)”;
- b. In Alternate II by removing “(AUG 1984)” and adding in its place “(OCT 2001)”;
- c. In Alternate II by removing “19\_\_” and adding in its place “\_\_, \_\_”.

**252.237-7000 [Amended]**

16. 252.237-7000 is amended in the introductory text by removing “237.203-70” and adding in its place “237.270”.

**252.239-7000 [Amended]**

17. Section 252.239-7000 is amended in the introductory text by removing the parenthetical “(a)”.

**252.247-7011 [Amended]**

18. Section 252.247-7011 is amended as follows:

- a. By revising the clause date to read “(OCT 2001)”;
- b. In paragraph (a) in the first sentence by removing “19\_\_” both places it appears and adding in its place “\_\_, \_\_”.

**Appendix F—Material Inspection and Receiving Report****F-105 [Removed]**

19. In Appendix F to Chapter 2, Section F-105 is removed.

**Appendix G—Activity Address Numbers**

20. Appendix G to Chapter 2 is amended in Part 4 by adding, in alphabetical order, a new entry “M62974” to read as follows:

**Part 4—Marine Corps Activity Address Numbers**

\* \* \* \* \*

M62974 .. Marine Corps Air Station, PO Box 99133, Station S-4/3KG, Yuma, AZ 85369-9133

\* \* \* \* \*

1. Appendix G to Chapter 2 is amended in Part 5 as follows:
- By revising entry "F33615";
  - By adding, in alpha-numerical order, a new entry "F33660";
  - In the entry "FA0021" by removing "PKMZ" and adding in its place "LGCQ"; and
  - By adding, in alpha-numerical order, a new entry "FA7046" to read as follows:

**PART 5—AIR FORCE ACTIVITY  
ADDRESS NUMBERS**

*	*	*	*	*
F33615SG	Det 1 AFRL/PK, Building 167, 2310 8th Street, Wright Patter- son AFB, OH 45433-7801			
*	*	*	*	*
F33660, FY2333.	AFMETCAL Det 1/MLK, 813 Ir- ving Wick Drive West, Building 2, Heath, OH 43056-6116			
*	*	*	*	*
FA7046 ....	Air Force Operational Test and Evaluation Center, 8500 Gib- son Boulevard SE, Kirtland AFB, NM 87117-5558			
*	*	*	*	*

[FR Doc. 01-24391 Filed 9-28-01; 8:45 am]

BILLING CODE 5000-04-M

**DEPARTMENT OF DEFENSE**

**48 CFR Parts 212, 225, and 252**

[DFARS Case 2000-D301]

**Defense Federal Acquisition  
Regulation Supplement; Domestic  
Source Restrictions—Ball and Roller  
Bearings and Vessel Propellers**

**AGENCY:** Department of Defense (DoD).  
**ACTION:** Final rule.

**SUMMARY:** DoD is adopting as final, without change, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 8064 of the DoD Appropriations Act for Fiscal Year 2001 and Section 805 of the DoD Authorization Act for Fiscal Year 2001. These laws place restrictions on the acquisition of vessel propellers and ball and roller bearings from foreign sources.  
**EFFECTIVE DATE:** October 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, Defense Acquisition Regulations Council, OUSD (AT&L) DP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0288; facsimile (703) 602-0350. Please cite DFARS Case 2000-D301.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

DoD published an interim rule at 65 FR 77827 on December 13, 2000. The rule amended the DFARS to implement Section 8064 of the DoD Appropriations Act for Fiscal Year 2001 (Public Law 106-259) and Section 805 of the DoD Authorization Act for Fiscal Year 2001 (Public Law 106-398). Section 8064 of Public Law 106-259 restricts the acquisition of ball and roller bearings and vessel propellers to those produced by a domestic source and of domestic origin. The restriction does not apply to the purchase of commercial items, except ball or roller bearings purchased as end items. Section 805 of Public Law 106-398 extends the restriction on acquisition of ball and roller bearings at 10 U.S.C. 2534 through fiscal year 2005.

Three sources submitted comments on the interim rule. DoD considered all comments in the decision to convert the interim rule to a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

**B. Regulatory Flexibility Act**

DoD has prepared a final regulatory flexibility analysis for this rule. Interested parties may obtain a copy of the analysis from the point of contact specified herein. The analysis is summarized as follows: The objective of the rule is to protect the domestic industrial base for ball and roller bearings and vessel propellers as required by statute. By restricting foreign competition, the rule will benefit domestic small business concerns that manufacture ball or roller bearings, bearing components, vessel propellers, or vessel propeller casings. DoD received no public comments that addressed the initial regulatory flexibility analysis.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

**List of Subjects in 48 CFR Parts 212, 225, and 252**

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition  
Regulations Council.*

**Interim Rule Adopted as Final Without Change**

Accordingly, the interim rule amending 48 CFR parts 212, 225, and 252, which was published at 65 FR 77827 on December 13, 2000, is adopted as a final rule without change.

[FR Doc. 01-24386 Filed 9-28-01; 8:45 am]

BILLING CODE 5000-04-M

**DEPARTMENT OF DEFENSE**

**48 CFR Parts 215 and 253**

[DFARS Case 2000-D026]

**Defense Federal Acquisition  
Regulation Supplement; Cost or  
Pricing Data Threshold**

**AGENCY:** Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect the increase in the cost or pricing data threshold specified in the Federal Acquisition Regulation (FAR).

**EFFECTIVE DATE:** October 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sandra Haberman, Defense Acquisition Regulations Council, OUSD (AT&L) DP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0289; facsimile (703) 602-0350. Please cite DFARS Case 2000-D026.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

FAR 15.403-4 specifies the dollar threshold at which contracting officers obtain cost or pricing data in negotiated acquisitions. On October 11, 2000 (65 FR 60553), this threshold was increased from \$500,000 to \$550,000.

This final rule amends DFARS 215.404 and 253.215-70 to remove references to the \$500,000 threshold. Since 10 U.S.C. 2306a(a)(7) and 41 U.S.C. 254b(a)(7) require review of the cost or pricing data threshold every 5 years, this rule replaces the figure "\$500,000" with the phrase "cost or pricing data threshold" to minimize the need for future DFARS changes.

This rule was not subject to Office of Management and Budget review under